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13 8 UNITED STATES DISTRICT COURT
14 9
15 DISTRICT OF NEVADA

16 10 BOARD OF TRUSTEES OF THE SOUTHERN) Case No.: 2:18-cv-00036-JCM-CWH
17 NEVADA JOINT MANAGEMENT AND)
18 CULINARY AND BARTENDERS TRAINING)
19 FUND DBA CULINARY ACADEMY OF LAS)
20 VEGAS,)
21 Plaintiffs,)
22 v.)
23)
24 CHRISTOPHER FAVA, AN INDIVIDUAL; JAIME)
25 MONARDES, AN INDIVIDUAL; ECLIPSE)
26 THEATER LLC, A NEVADA LIMITED)
27 LIABILITY COMPANY; ECLIPSE THEATRE)
28 LAS VEGAS, LIMITED PARTNERSHIP, A)
PRODUCTION INC., A NEVADA CORPORATION;)
FEDERAL INSURANCE COMPANY, AN)
INDIANA CORPORATION; HKM)
PRODUCTION INC., A NEVADA)
CORPORATION,)
Defendants.)

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**JOINT STIPULATION AND
[PROPOSED] ORDER TO
STAY DISCOVERY PENDING
COMPLETION OF
MEDIATION**

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30 Pursuant to Local Rule 26-4, Plaintiff BOARD OF TRUSTEES OF THE SOUTHERN
31 NEVADA JOINT MANAGEMENT AND CULINARY AND BARTENDERS TRAINING
32 FUND DBA CULINARY ACADEMY OF LAS VEGAS (“CALV”) and Defendants
33 CHRISTOPHER FAVA (“Fava”), JAIME MONARDES (“Monardes”) and HKM
34 PRODUCTION INC. (“HKM”) hereafter collectively referred to as the Parties, by and through

1 their counsel of record, hereby stipulate and request that the court stay discovery with the
2 exceptions identified below until after the parties complete a mediation. The Parties have
3 previously requested two extensions to the scheduling order. In support of this Stipulation, the
4 Parties state as follows:

5 1. The Parties have engaged in substantial discovery including but not limited to the
6 following:

- 7 A. The Parties timely exchanged their initial disclosures.
- 8 B. CALV has served three additional supplements to its initial disclosures
- 9 C. Fava has served one supplement to his initial disclosures.
- 10 D. HKM has served three supplements to its initial disclosures.
- 11 E. CALV has served interrogatories, requests for admissions and requests for

12 production on previously dismissed party Federal Insurance Company.

13 F. CALV has served three sets of requests for production, one set of
14 interrogatories, and two set of requests for admissions on Fava. Fava has responded to CALV's
15 written discovery requests.

16 G. CALV has served two sets of requests for production, two sets of
17 interrogatories, and one set of requests for admissions on Monardes.

18 H. CALV has served two set of requests for production, two sets of
19 interrogatories, and two sets of requests for admissions on HKM. HKM has responded to
20 CALV's first two sets of written discovery requests.

21 I. Fava has served six sets of requests for production on CALV. CALV has
22 responded to four sets of requests for production as the deadlines for the remaining two sets are
23 pending.

24 J. Fava has served subpoenas duces tecum on Bank of America, and Bank of
25 Nevada.

26 K. CALV has served a subpoena duces tecum for documents from Chubb
27 Insurance. CALV and Federal Insurance are currently engaged in motion practice over the
28 document requests.

1 L. CALV has taken the deposition of HKM's 30(b)(6) representative.

2 M. CALV and Fava have designated initial experts.

3 N. Fava has served a subpoena duces tecum on CALV's expert, the deadline
4 for which is pending.

5 O. HKM has served CALV with its first set of requests for production of
6 documents, first set of interrogatories and first set of requests for admissions. CALV's deadline
7 to respond to HKM's first set of written discovery has not expired as of the date of this
8 Stipulation.

9 P. HKM has served CALV with a notice of deposition of CALV's FRCP
10 30(b)(6) corporate designee which is scheduled to take place on March 15, 2019.

11 2. The Parties have all agreed to participate in a mediation with Retired Judge
12 Phillip Pro at JAMS. The Parties are currently coordinating a date with JAMS to hold the
13 mediation. The parties are attempting to schedule the mediation within 90 days from the date of
14 this stipulation.

15 3. The parties agree it is in the best interest of all parties to wait until the mediation
16 process has been completed prior to incurring the time and expense of the remaining written
17 discovery, rebuttal expert designations, depositions, motion practice, as the mediation could
18 resolve this matter in its entirety, thereby relieving both the parties and the court of further cost
19 and expense.

20 4. It would be burdensome and unfair to have the parties incur the expense of time-
21 consuming and costly discovery because the parties have agreed to stay such proceedings in
22 favor of attempting to achieve an early resolution to this matter. Rule 1 of the Federal Rules of
23 Civil Procedure provides that the federal rules of practice should be "construed and administered
24 to secure the just, speedy, and *inexpensive* determination of every action and proceeding."
25 (Emphasis added). Thus, staying discovery in this case is consistent with the spirit and intent of
26 the Federal Rules of Civil Procedure. If a stay is not granted, the parties will be required to
27 engage in and incur the costs of the remaining discovery which may not be necessary.

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1 5. In order to preserve the parties' and the Court's resources, and to promote judicial
2 economy, the parties have agreed, subject to the Court's approval, to stay all discovery for
3 approximately 90 days, or until May 28, 2019, in order for the parties to complete the agreed
4 upon mediation.

5 6. Notwithstanding the foregoing, the Parties request that the responses to the
6 subpoena dues tecum from non-parties Bank of America and Bank of Nevada not be stayed.

7 7. In the event that the Parties are unable to reach a resolution at the mediation, the
8 Parties agree that rebuttal experts will be disclosed no later than ten days from the conclusion of
9 the mediation.

10 8. In the event that the Parties are unable to reach a resolution at the mediation, the
11 Parties further agree that they will meet and confer and submit an amended discovery plan and
12 scheduling order to the Court.

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1 9. This stipulation is made in good faith and not for the purposes of delay.
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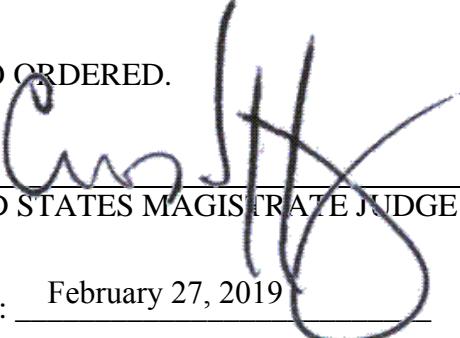
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4 **ORDER**

5 IT IS SO ORDERED.

6 
7 **UNITED STATES MAGISTRATE JUDGE**

8 DATED: February 27, 2019

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